

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ANTHONY PRESCOTT, §
Plaintiff, §
v. § Case No. 6:24-cv-080-JDK-JDL
TDCJ CORR. OFFICERS, et al., §
Defendants. §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Anthony Prescott, a former Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

On September 19, 2024, Judge Love issued a Report recommending that the Court dismiss this case with prejudice as frivolous, malicious, and for the failure to state a claim upon which relief may be granted. Docket No. 27. Judge Love further recommended that, given Plaintiff's abusive litigation history, no further lawsuits be accepted from Plaintiff in this Court unless filed by a licensed attorney. A copy of this Report was sent to Plaintiff. However, no objections have been received.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 27) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** with prejudice as frivolous, malicious, and for the failure to state a claim under 28 U.S.C. § 1915(e)(2). Further, it is **ORDERED** that no further lawsuits be accepted from Plaintiff Prescott in this Court unless filed by a licensed attorney.

So **ORDERED** and **SIGNED** this 19th day of November, 2024.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE